

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

HARRY T. COLLINS,)	
)	
Plaintiff,)	
)	
v.)	Civ. No. 05-624
)	
CORRECTIONAL MEDICAL)	
SERVICES, INC., et al.,)	
)	
Defendants.)	

ORDER

At Wilmington this 29th day of June, 2007, having reviewed the motion filed by defendant Correctional Medical Services, Inc. ("CMS") for entry of judgment;

IT IS ORDERED that said motion (D.I. 65) is denied. Defendant filed a motion to dismiss plaintiff's amended complaint, which motion was granted by a memorandum and order dated January 12, 2007. There has been no determination on the merits; defendant did not seek in its motion the entry of judgment. The court, therefore, declines to grant relief not sought in the first instance.


United States District Judge